REMARKS/ARGUMENT

The Examiner is thanked for the careful review of this application. Claims 1-16 are pending after entry of this Amendment. Claims 1 and 10 are herein amended. The amended claims are submitted to clarify the present application as described below in reference to specific claim rejections. No new matter is introduced.

Rejections under 35 USC §112

Claims 1 and 10 were rejected under 35 USC §112, second paragraph. The rejection, however, is unclear, and the citation to MPEP §2173.05(d) is apparently erroneous. Applicants have amended claims 1 and 10 in a best effort to comprehend the intent of the rejection, and to facilitate placing the application in condition for allowance. Applicants traverse the rejection and request reconsideration.

According to the Office, the phrase "should be automatically added" in claims 1 and 10 rendered the scope of the claims unascertainable. The Office asserts that the claims were "indefinite because the claims include elements not actually disclosed (those encompassed by 'should')." Perhaps the Office might more clearly express the rejection with an example of non-disclosed elements encompassed by "should," as Applicants do not understand what the Office is trying to convey. The cited MPEP section (§2173.05(d)) provides no guidance as the section refers to exemplary language in claims ("such as," "for example," "such, for example, as," etc.), and claims 1 and 10 do not recite exemplary language in either claim. Moreover, the phrase "should be automatically added" does not exist in either of Applicants' originally filed claims 1 or 10. It is apparent that the targeted feature was "zero or more others of said object types that should be automatically created and added" (claim 1), or "zero or more objects that should be created" (claim 10). In the interest of placing the application in condition for allowance, Applicants herein amend claims 1 and 10 to delete the phrase "that should" and replace it with --to-- in both claims.

Applicants submit that claims 1 and 10, as amended herein, are patentable under 35 USC §112, second paragraph, and request that this rejection be withdrawn. If, however, Applicants have misinterpreted the Office's original intent in rejecting the claims under 35 USC §112, second paragraph, Applicants respectfully request clarification of the intended rejection.

Rejections under 35 USC §103

Claims 1-2, 4-10 and 12-16 were rejected under 35 USC §103(a) as being unpatentable over Fu et al. (U.S. Patent Application No. US 2003/0028752) in view of Schneck et al. (U.S. Patent No. 6,208,986). Applicants respectfully traverse this rejection and request reconsideration in light of the following argument.

Applicants respectfully submit that the Fu et al. reference is not prior art. In accordance with 35 USC §103(c), "Subject matter developed by another person, which qualifies as prior art only under one of more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." Applicants note that, at the time of filing, the instant application was subject to assignment obligation, and was assigned to Sun Microsystems, Inc. and Netscape Communications Corporation. At the time of filing, the Fu et al. reference, which pre-dates the filing date of the instant application by 39 days, was assigned to Sun Microsystems, Inc., and Netscape Communications Corporation. The same entities therefore owned the reference Patent Publication and the present application. The assignments are of record for the instant application, and the assignments for the reference Patent Publication were recorded on August 2, 2001, at Reel 012060, Frame 0694, and at Reel 012060, Frame 0710. See MPEP §706.02(l)(1) and §706.02(l)(2).

Applicants note that the Schneck et al. reference neither teaches nor suggests all claim features as recited in Applicants' claims 1-2, 4-10 and 12-16. Applicants therefore submit that claims 1-2, 4-10 and 12-16 are patentable under 35 USC §103(a) over Schneck et al. Applicants therefore request that this rejection be withdrawn.

Claims 3 and 11 were rejected under 35 USC §103(a) as being unpatentable over Fu et al. in view of Schneck et al., as applied to claims 1-2, 4-10, and 12-16, and further in view of Sanchez, II et al. (U.S. Patent Application Publication No. US 2002/0147857). Applicants respectfully traverse this rejection and request reconsideration.

As described in reference to the rejections of claims 1-2, 4-10, and 12-16 above, the Fu et al. reference is not prior art. The combination of Schneck et al. and Sanchez, II et al. neither teaches nor suggests all the claim features in Applicants claims 3 and 11. Applicants therefore respectfully submit that claims 3 and 11 are patentable under 35 USC §03(a) over the combination of Schneck et al. and Sanchez, II et al. Applicants therefore request that the rejection be withdrawn.

In view of the foregoing, Applicants respectfully request reconsideration of claims 1-16. Applicants submit that all claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6900, ext. 6905. If any additional fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP506). A copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
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